



MINUTES
JULY 19, 2006

Attorney Camille DeGalan spoke in favor of this. She said what they are requesting is a common driveway not owned in fee simple. Only lot one would own it in fee simple, the other lots would have an easement to pass and re-pass. Since the last meeting (July 5, 2006) it has come to attention that Long Ridge Rd. is an arterial road and therefore, the Commission may require a joint driveway if it chooses to do so. This property consists of steep slopes and is located on a curve, so there are public safety reasons to have one joint driveway. Mark Kornhaas from Artel Engineering said he tried to design a plan showing how it would look if each property had a driveway. He said all of them are long serpentine driveways with major

grade issues and that is why they are making this request. He said at the last meeting he handed out reduced size copies of the plan designed with a City road. Both of these alternatives demonstrate that one driveway is the best plan. He said they made some changes to the access based on comments expressed at a meeting with Mrs. Emminger and the Fire Marshal. Mr. Urice said he sees two parts to this issue, the first is not making a new cut to put road in and the second is that many driveway cuts really cut up the property frontage. Mr. Kornhaas said they would prefer to see a City road but it is just not practical. Mr. Urice then said it seems they are asking for this so they can develop a property that would not be developable or at least not for this many lots. Mr. Kornhaas said there is no other choice and they should not be denied the use of the land. Attorney DeGalan said the Commission's authority to waive the requirement for individual driveways is in the Subdivision Regulations. She said individual driveways would create a safety hazard due to the topography. Mr. Urice said it is all about the topography, so they really are only presenting one choice. He said this appears to be an economic factor because they keep saying this is the only financially feasible way to develop this property into this many lots. Mr. Kornhaas said there probably are other ways to develop this parcel into lots by bringing them closer to the roadway. He continued saying that they would still have to use an accessway to get to the septic systems in the rear, which would devastate the property. Mrs. Emminger reminded the Commission of the history of this parcel as detailed in her Staff Report. It was subdivided in 1966, so they did get reasonable use of the parcel. She said she is still questioning what the waiver request is actually for; the Regulations state that the Commission may require a joint driveway if they choose, so does that not require a waiver. Originally the waiver was requested because they thought Long Ridge Rd. was not an arterial or collector road, but we have since discovered that it is an arterial road. Mr. Manuel asked about the "arrangement" with the Town of Bethel and Attorney DeGalan said Bethel's Town Counsel has not signed it yet. The Town (of Bethel) uses an old driveway for access to their property and if this is approved, the applicants would grant an easement to them. Mr. Manuel questioned the grade of Long Ridge Rd. Mr. Kornhaas said it appears to be 5-6%. Attorney DeGalan said she in response to Mrs. Emminger's question, the first sentence in the Regulations says it is mandatory that they own the accessway in fee simple; therefore they need waiver to that language. And if the Commission requires a joint driveway between the lots, they cannot comply with that, so they would to waive that requirement. Mr. Manuel asked if they will need to install retaining walls for the "driveway". Mr. Kornhaas said yes, they would need to be about 11-12 ft. high tapering down to 8 ft. Mr. Keller asked why they had to be so high. Mr. Kornhaas said it was designed that way because that is what it will take to make this work. Mr. Manuel asked if it would be an engineered wall and Mr. Kornhaas said it must be due to the height. He then used to the profile map and pointed out the retaining wall on it. Attorney DeGalan said this plan is not just the most economically feasible one; it is also in conformance with the purpose of the Subdivision Regulations. She then quoted the Regulations regarding the preservation of natural features.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Mrs. Emminger suggested they close the hearing as all of the reports are in and they are not expecting any other information to be submitted. Mr. Urice asked if they do not get this waiver, would they still do the development. Chairman Finaldi said that is not a fair question and we should not ask it. Mr. Manuel asked if there is a way of reducing the grade without every thing sliding into the roadway. Mr. Kornhaas said they are at a really steep grade, so that is a difficult thing to address. There was some debate among the Commission members as to whether to close the hearing. Mr. Urice then made a motion to continue both matters until the

next meeting. Mr. Manuel seconded the motion and it was passed with four AYES and one NAY (from Mr. Keller).

quickly said this is such a small change, you won't even notice it - they are really only taking the existing road and re-striping it. Chairman Finaldi said for the people traveling south and turning left into Springside Ave., as they approach the intersection it is not wide enough; so the widening misses where it is needed the most. Attorney Marcus said there has never been a suggestion that the intersection needs to be wider until tonight. Mr. Urice said they are not really widening the roadway, they really are only moving the center line 6-7 feet to the right, which is changing the curve. Attorney Marcus said the issue they should be looking at is if they are creating an unsafe situation. He then suggested they look at their traffic report, which says they are not. Chairman Finaldi said they are creating a dangerous situation, because people drive too fast around the curve by the Fire Station. Mrs. Emminger said there is a dip in the roadway on the northbound side as you enter Springside, where the turning lane will be and it will be affected by the difference in grade. Mr. Virbickas said this area is about 18 ft. wide, so this is not a dramatic turn. Mr. Urice then said the bigger problem will be egress from Springside during the peak hours, which means every twenty seconds, there will be a car trying to get out onto Osborne St. He continued saying people always take the easy way to get out of intersections and in this case that means because it is difficult now to get out of Springside or when the traffic backs up, people are going to go through Springside Ave., down Tilden Rd. and over to Melrose Ave. He said this will put a tremendous amount of traffic into these residential neighborhoods. He added that it is difficult now and will be twenty times more difficult if this is built. He said the winter is going to be horrendous and people are not going to wait to get out onto Osborne, they are going to go out the other way. Attorney Marcus tried to refute this by quoting their traffic report and saying if they create a traffic problem they will install a signal. Attorney Marcus then said their traffic engineer had said the traffic signals at Locust Ave./Osborne St. and at Jimmie's Market really do control the traffic. He added at this point it is not warranted, but suggested the Commission could make this a condition of approval. Mr. Keller then pointed out the new office building under construction at the Locust Ave./Osborne St. saying that will bring additional traffic to this area also. Attorney Marcus said it would not because that building's purpose is for medical personnel who are already working at the hospital.

Chairman Finaldi asked if there was anyone to speak in opposition, but before he called on anyone he asked that they confine their comments to this specific application and try to not repeat what they said at the previous hearing since it is recorded both on tape and in the minutes.

Carla & Mark Pierce, 7 Springside Ave., said they looked at plans today and are both really concerned about the safety. Mrs. Pierce said the plans are very misleading as they make it look like Springside Ave. is flat and it is not. She said the line of sight is really terrible; she stood in street today and when you look to the right, all you can see is Ms. Shaker's house and to the left there is a big old tree, which they cannot remove. She said the Commission is right that in the winter, it is terrible and everyone goes out the other way through Tilden Rd. Mr. Pierce then said he is very concerned about the traffic and safety issues. He said the proposed widening would only have a negative impact on the sight line because the grade is already fairly steep and you can't see now to pull out. He said that combined with the additional volume of vehicles traveling in and out of Springside will only make a bad situation worse. He also questioned where the snow will be put in the winter when they plow the roads, since for years they have dumped it onto this parcel. He then said their deliveries would have to come from semis; although they said they use box trucks, he has seen semis at all of the other shops in town. He added that currently getting out of Springside Ave. is tougher for heavy duty vehicles than regular cars; their plans to change the roadway will only make it worse. He said this

already is an unsafe corner and if he were truck driver, he would pull over on Springside, leave his truck running and when he came out with his coffee, he would just drive up and out through Tilden. Mr. Urice then asked if most people exit out by going through Tilden Rd. Mr. Pierce said that is the only way much of the time due to the traffic and the grade. He said he does not think a traffic light would not help because the traffic would back up by the Dunkin-Donuts. He said his biggest concern is that now at the existing stop sign you can't see in either direction, if they move the stop sign farther down the hill, you will be able to see even less because of the slope of the roadway. He said the changes they have proposed would only make the existing situation worse.

Ken Reed, 10 Springside Ave., said his family has lived on this property since 1887. He said today he had driven down Hospital Ave., stopped at the yellow line and waited for fourteen cars to pass before he could get out of the stop sign. He said just for the record, it is 1.2 miles to the White St. Dunkin Donuts shop, about 1.4 miles to the Hayestown Ave. shop, and then there are the Newtown Rd., Main St. and Lake Ave. Ext. shops all within a two mile radius. He continued saying that the difference is that these are all commercial neighborhoods. He asked that the Commission weigh these two facts, the existing traffic issues as demonstrated by his difficulty in pulling out of the stop sign as well as the fact that this shop would be the fourth one within a two mile radius. He said Springside Ave. is a quiet neighborhood with many kids, who are out in their yards doing what kids do in their neighborhoods: riding bicycles, playing ball, etc. He then asked what is more valuable, preserving a residential neighborhood that has been here for many years or adding a fourth Dunkin Donut shop within a two-mile radius.

Helen Spadacino, 25 Springside Ave. said she has lived on this beautiful street for over fifty years. She said she can't see this here because she saw an eighteen-wheeler delivering to another Dunkin-Donuts shop and she just can't see that happening on their street. She submitted some photos of the Dunkin-Donuts eighteen-wheeler making a delivery. *These photos were not designated as an exhibit.*

Chairman Finaldi asked if there was anyone else to speak in opposition to this and there was no one. He then offered Attorney Marcus the chance to speak in rebuttal to the opposition's comments.

Attorney Marcus then asked Mr. Virbickas to point out to the Pierces exactly where they proposed to move the stop sign saying it is where the City Traffic Engineer thinks it should be. He said regarding Mr. Reed's comments about other Dunkin-Donut locations, he checked with Mr. Batista and there have been no reported accidents at any of the locations caused by traffic coming in and out of the Dunkin-Donuts. He said this is the first time this has been brought up but if they want confirmation, they should check the Police records. He said regarding the suggestion that they consider the preservation of the neighborhood; that is not the criteria this Commission is supposed to use to judge these applications. He said this property is zoned CG-20 so many of the permitted uses will not be in harmony with the residential neighborhood, but beyond Ms. Shaker's house, this is not a residential neighborhood. He said regarding the comment about eighteen-wheelers not belonging in this neighborhood; for many years this site was used for the parking of commercial vehicles. He said the proposed road improvements meet the requirements of the City Traffic Engineer, the Fire Marshal as well as the standards of the Traffic Engineering professionals. He added that the concern here is about a very limited time period (the morning peak hour) and said they would agree to revisit this to determine if the City Traffic Engineer feels a traffic light is warranted here. He then said since the Pierces have stated they don't think a traffic light would make a difference, there is not really any

Mark Kornhaas, Artel Engineering, said they had responded to the Engineering and Planning Dept. Staff comments today at 4:30 PM. He briefly discussed the lighting plan and the elevations with building heights. He said they had incorporated detailed information regarding the numbers of employees on all shifts and added landscaping at the request of the Planning Staff. He said they also showed the temporary trailer location for the employees that will be displaced during construction. Once it is done, then they will submit a plan to bring this area back to a parking lot. He said the Engineering Dept. comments were pretty mild and they have

addressed most of them. He added that the STC is currently reviewing the plan also due to the size of the project. Mrs. Emminger asked for clarification on the improvements that their traffic engineer had suggested. She said they still don't have a letter from the City Traffic Engineer and they are still working on how to improve the traffic flow in area. Mr. Urice asked for confirmation that all activity will be moved to other side of property so as not to disrupt the adjacent residential neighbors. Mr. Kornhaas said it had been and showed them on the plan.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said other than working out the traffic details there is no reason to keep this hearing open. She said all of her comments have been addressed and if Engineering has additional comments, they can condition the approval. Mr. Urice made a motion to close the hearing with the understanding that the traffic improvements are still to be worked out. Mr. Keller seconded the motion and it was passed unanimously by voice vote.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Blue Ribbon Development LLC – Application for (3) three-lot subdivision (1.17 acres) in the RA-8 Zone – “Jay 3 Subdivision” – 20 Deer Hill Ave. (#I16106) – Subdivision Code #05-08.
Public hearing closed 6/7/06 – 65 days will be up 8/11/06.

Chairman Finaldi excused himself and Mr. Keller took over as Chairman. He asked Mr. Blaszka to take Chairman Finaldi's place for this matter. Mr. Keller said they had received a draft resolution from the Planning Dept. based on the Commission's comments. He read the reasons into the record and asked if any of the Commission members wanted to add anything. Mr. Blaszka said he thought that the third paragraph in the resolution needed to be amended. Mr. Keller said the installation of the stop signs is not relevant. Mr. Manuel said the reference to the driveway should be changed to separate driveways since this is not a single driveway anymore. Mr. Keller asked Mrs. Emminger to re-read the correspondence from Levi Newsome of the Danbury Museum Society. Mr. Manuel said this resolution is a good drafting job. He added that the preservation of neighborhoods is the key thing and this proposal is a jarring imposition on this neighborhood. Mr. Urice said they are supposed to consider traffic safety, yet some of the Commission's concerns were not addressed. Mr. Keller then said this neighborhood is notable as a significant historic district. Mrs. Emminger said she had revised the third paragraph, so the language in the resolution is now correct. Mr. Blaszka made a motion to approve the amended resolution of denial. Mr. Urice seconded the motion and it was passed unanimously by roll call vote with five AYES.

Chairman Finaldi returned to the meeting and Mr. Deeb excused himself and left the meeting. Chairman Finaldi asked Mr. Blaszkowski to take Mr. Deeb's place for the rest of the evening.

NEW BUSINESS:

Charles J. Troccoli Jr. – Application for Floodplain Permit – “Troccoli Building”, 59-67 Federal Rd. (#L09022) – SP #88-05.

Chairman Finaldi noted that this application would be on file in the Planning & Zoning Office.

REFERRALS:

8-24 Referral/February 7th CC Agenda Item 26 – Eagle Road Center LLC Transfer of Property to City of Danbury. Tabled at the 3/1/06 meeting for additional info.

8-24 Referral/June 6th CC Agenda Item 33 – Boehringer Ingelheim request for Off-Site Directional Sign on City Right-of-Way. Tabled at 7/5/06 meeting for additional info.

Mr. Manuel made a motion to table these first two items. Mr. Urice seconded the motion and it was passed unanimously.

8-3a Referral – Petition of Masi Brothers LLC, 26-28 South St. (#K16145) for Change of Zone from IL-40 to RMF-4. *Zoning Commission public hearing scheduled for July 25, 2006.*

Mrs. Emminger reviewed the Staff Report prepared by the Planning Director. Mr. Manuel immediately said we should not rezone any more industrial land to commercial. Mr. Keller said RMF-4 Zone would permit too much density on this parcel. Chairman Finaldi asked for a motion and Mr. Urice made a motion for a positive recommendation. Chairman Finaldi seconded the motion. The following reason was given for this motion: This is in compliance with the Plan of Conservation & Development. This motion for a positive recommendation was denied with three NAYS (from Mr. Blaszk, Mr. Keller and Mr. Manuel) and two AYES (from Chairman Finaldi and Mr. Urice). Mr. Keller then made a motion for a negative recommendation. Mr. Manuel seconded the motion. The following reasons were given for this motion:

- The density permitted by the RMF-4 Zone is too much for this parcel and the City needs to maintain this kind of industrially zoned land.

The motion for a negative recommendation was approved with three AYES (from Mr. Blaszkowski, Mr. Keller and Mr. Manuel) and two NAYS (from Chairman Finaldi and Mr. Urice).

Mr. Urice then made a motion to table the next three items pending receipt of the Staff Reports from the Planning Director. Mr. Manuel seconded the motion and it was passed unanimously.

8-3a Referral – Petition of EPG Fuel Cell, LLC to Amend Secs. 2.B., 6.A.2.b.(11) & 6.A.4.h. of the Zoning Regulations. (Add “Fuel Cell Generation Facility” as a Special Exception use in the IL-40 Zone) Zoning Commission public hearing scheduled for August 22, 2006.

8-3a Referral – Petition of WCI Communities Inc. to Revise the Master Plan for the Reserve which was originally approved November 26, 2002 and revised September 28, 2004. (Amend Sec. 14d - Stormwater Management and Public Utilities) *Zoning Commission public hearing scheduled for August 22, 2006.*

8-3a Referral – Petition of Ervie S. Hawley to Amend Sec. 8.C.4.c.(11a) of the Zoning Regulations. (Amend Required Off Street Parking Spaces for Medical Offices) *Zoning Commission public hearing scheduled for August 22, 2006.*

Mrs. Emminger said that the Deputy Planning Director is working with the City Engineer to determine the status of this request. Mr. Urice made a motion to table this matter. Mr. Blaszk seconded the motion and it was passed unanimously.

At 10:30 PM, Mr. Manuel made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.